

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 8, 2004

DIVISION ONE

B163119 Eileen Wong-Kraatz (Not for Publication)
 v.
 Steven Kraatz

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Spencer, P.J.
 Ortega, J.

B160111 Phase 2 Developers, Corp. (Not for Publication)
 v.
 Citicorp Real Estate et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B161452 People (Not for Publication)
 v.
 Rodriguez

The section 12022.5, subdivision (a) enhancements are stricken. As modified, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B165552 Los Angeles County, D.C.S. (Not for Publication)

v.

Julie D.

In re Ishmael D.

The Court:

The appeal is dismissed. under the holding of In re Sade C.

Nott, Acting P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION THREE

B166954 People (Not for Publication)

v.

Selvin M.

The order continuing wardship is modified by (1) modifying probation condition numbers 15 and 16, to read "Do not associate with anyone known by you to be disapproved by parents or probation"; and "Do not have any dangerous or deadly weapon in your possession, nor remain in the presence of any person known by you to be an unlawfully armed person(,)" respectively; and (2) awarding appellant an additional five days of predisposition credit. As modified, the order continuing wardship is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B166767 People (Not for Publication)

v.

Jarvis T.

The order continuing wardship is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B162695 City of Long Beach (Not for Publication)
 v.
 California Republican Party

The order from which the city has appealed is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to the city.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B165971 People (Not for Publication)
 v.
 O'Brien

The judgment is modified by awarding appellant an additional 76 days of conduct credit pursuant to Penal Code section 4019 and, as modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy thereof to the Department of Corrections.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B165522 Gutierrez (Not for Publication)
 v.
 Stanton

The judgment is affirmed. Stanton is entitled to costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

January 8, 2004 (Continued)

DIVISION FOUR

B160999 People
 v.
 Velasquez

Filed order denying petition for rehearing.

DIVISION FIVE

B164998 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Robert G.,
 Alexandria G., et al.

The judgment is affirmed.

Grignon, J.

I concur: Turner, P.J.
I dissent: Mosk, J. (Opinion)

B166562 People (Not for Publication)
 v.
 Saravuth Kam

The true findings of prior felony convictions under Penal Code sections 1170.12 and 667.5, subdivision (a) and the sentence are reversed. The matter is remanded to the trial court for trial or admission of these allegations and resentencing. In all other respects, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

January 8, 2004 (Continued)

DIVISION FIVE (Continued)

B165193 People (Not for Publication)
v.
Jean Gamero

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B163426 People (Not for Publication)
v.
Phaynes Noble Reeda, Jr.
Anthony Duke Graham

The judgments are affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B165437 People (Not for Publication)
v.
Melvin Charles Zimmons

The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment which accurately sets forth the sentence imposed as noted in the immediately preceding paragraph. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION FIVE (Continued)

B166111 People (Not for Publication)
v.
Ruben Rangel

The section 12022.7, subdivision (b) enhancement for great bodily injury is ordered stricken. Appellant's sentence is thereby reduced to 8 years in state prison. The clerk of the superior court is instructed to prepare an amended abstract of judgment reflecting these sentencing changes and to deliver a copy to the Department of Corrections. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B167751 People (Not for Publication)
v.
Willie Ellis Norris

The superior court clerk is directed to correct the abstract of judgment to reflect defendant's original presentence credits of 339 days, including 227 days in custody and 112 days of conduct credits plus 8 days for the time in local custody for resentencing. The superior court clerk shall forward a corrected copy of the abstract of judgment to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B169072 Charles Gold, et al
v.
Gold Realty Company, et al.

Filed order denying petition for rehearing.

January 8, 2004 (Continued)

DIVISION SIX

B164886 Urban Creeks Council (Not for Publication)

v.

City of Santa Barbara, et al.,

Grubb, et al.

The judgment is affirmed. Costs are awarded to respondents and real parties in interest.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B168083 People (Not for Publication)

v.

Powell

The judgment (order extending appellant's commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B161063 People v. Gonzalez

B162310 People v. Calderon

B162367 People v. Rivera

B163703 People v. Davis

B163954 People v. Austin, et al.

B164297 People v. Solis

B164963 People v. Mena, et al.

B165475 People v. Vanegas

DIVISION SEVEN (Continued)

Each of the following (continued):

B166168 People v. Rojas
B166270 People v. Justin M.
B166317 People v. Zamora
B166334 People v. Lewis
B166624 People v. Solomon H.
B166837 People v. Phillips
B166913 People v. Campa

Argument waived, cause submitted.

B162150 People
 v.
 Paulson

Merits:

Argued by Sally Brajevich for appellant and by Richard Breen, Deputy Attorney General for respondent. Cause submitted.

B163554 In re Guan on Habeas Corpus

Merits:

Argued by Michael Shannon for petitioner and by Victoria Wilson, Deputy Attorney General for real party in interest. Cause submitted.

B156272 People
 v.
 Rodriguez

Merits:

Argued by Meredith Watts for appellant and by Jonathan Kline, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B157504 People
 v.
 Zahir

Merits:
Argued by Maxine Weksler for appellant and by Chung Mar, Deputy Attorney General for respondent. Cause submitted.

B159984 Twafik
 v.
 Hayashibara

Merits:
Argued by Norman Schafler for appellant and by Jeffrey Moffat for respondent. Cause submitted.

B159508 Academy of Motion Pictures
 v.
 Rey Olsen

Merits:
Argued by Rey Olsen in for appellant and by Robert Becher for respondent. Cause submitted.

Court recessed at 10:40 a.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B153949 Fernandez
 v.
 Lawson, et al.

Merits:
Argued by Arash Homampour for appellant and by Elisa Nadeau for respondent. Cause submitted.

January 8, 2004 (Continued)

DIVISION SEVEN (Continued)

B161641 Kok
 v.
 City of Pasadena

Merits:
Argued by Philip Kok for appellant and by Hugh Halford, Deputy City
Attorney for respondent. Cause submitted.

B138149 Viner, et al.
 v.
 Williams & Connolly, et al.

Merits:
Argued by Mark Helm for appellants and by Patricia Glaser for
respondents. Cause submitted.

Court adjourned at 3:00 p.m.

DIVISION EIGHT

B163193 Schmuel, et al. (Not for Publication)
 v.
 Grover Hollingsworth & Associates, Inc.

The order awarding \$56,205 in attorneys fees to Hollingsworth is affirmed.
Additionally, appellants and their counsel are to pay Hollingsworth \$2,180
in sanctions and Hollingsworth's costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.